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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,895	07/17/2003	Christian Baier-Welt	071308.0449	1492

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BAKER BOTTS L.L.P.  
PATENT DEPARTMENT  
98 SAN JACINTO BLVD., SUITE 1500  
AUSTIN, TX 78701-4039

EXAMINER
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PEZZLO, BENJAMIN A

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/621,895

**Applicant(s)**

BAIER-WELT ET AL.

**Examiner**

Benjamin A Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,10-14,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 4-6,9,15-17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 17092003. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:  
line 2, "in particular" should be replaced with "in the form of";  
line 8, "which is cam-like in the sense that it" should be deleted.  
Appropriate correction is required.
2. Claim 3 is objected to because of the following informalities:  
line "with the intention" should be replaced with "such"  
Appropriate correction is required.
3. Claim 4 is objected to because of the following informalities:  
lines 2-3, "with the intention of" should be deleted;  
line 3, "positioning" should be "position".  
Appropriate correction is required.
4. Claim 12 is objected to because of the following informalities:  
line 2, "which is cam like in" should be deleted.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8 and 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Leverage conversion" is unclear.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 7, 8, 10-14, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Weissbrich et al. (WO 90/15743).

Weissbrich et al. disclose an electric-motor driven parking brake in particular for a vehicle, comprising: - an electric brake-actuating motor 1, in particular a commutator motor, - a brake-actuating output shaft 4 which extends along a second axis and is driven by the electric brake-actuating motor, a brake-actuating linkage 2 which is arranged so that it can move parallel to a first axis which is essentially perpendicular to the second axis, a drive linkage 33 from the brake-actuating output shaft to the brake-actuating linkage in the form of a cam disk or gate guide 33 which is cam-like in the sense that it converts a rotation of the brake-actuating output shaft into a translational movement of the brake-actuating linkage by means of an actuation

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element which is guided along a surface of the cam disk or gate guide, wherein the surface of the cam disk or gate guide forms a height profile in a radial direction, and the orientation of the motor axis of the electric brake-actuating motor is essentially perpendicular to the second axis.

Re claim 2, a worm drive appears to be visible in Fig. 3.

Re claim 3, see the abstract, last 7 lines.

Re claim 7, see the worm drive.

Re claim 8, see the transition from Fig. 1 to Fig. 3.

Re claims 10, see Fig. 1.

Re claims 11-12, see rejection re claim 1.

Re claim 13, a worm drive appears to be visible in Fig. 3.

Re claim 14, see the abstract, last 7 lines.

Re claim 18, see the worm drive.

Re claim 19, see the transition from Fig. 1 to Fig. 3.

***Allowable Subject Matter***

9. Claims 4-6, 9, 15-17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siepker et al., Belmond, Arnold et al., Carlson et al., Cameron, Nakamoto et al., Carre et al., Lizzio, Reyes, Rath, Taniguchi, Kikuta et al., Schanzenbach et al., Pfeil et al., and Gutierrez et al. disclose related devices.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Benjamin A. Pezzlo*  
*2/20/04*

Benjamin A Pezzlo  
Examiner  
Art Unit 3683

BAP  
February 20, 2004